

To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Jones, Jim <Jones.Jim@epa.gov>
Cc: Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov>; Deveny, Adrian (Merkley) <Adrian_Deveny@merkley.senate.gov>
Subject: Fw: House TSCA draft

Please take a look...

This is the current hlc draft, but not yet reviewed or approved by senate team.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: McCarthy, David <David.McCarthy@mail.house.gov>
Sent: Friday, May 6, 2016 5:00 PM
To: Jackson, Ryan (Inhofe)
Cc: Karakitsos, Dimitri (EPW); Poirier, Bettina (EPW); Black, Jonathan (Tom Udall); Freedhoff, Michal (Markey); Larkin, Brendan; Deveny, Adrian (Merkley); Cohen, Jacqueline; Sarley, Chris; Couri, Jerry; Richards, Tina; Kessler, Rick; Fruci, Jean
Subject: House TSCA draft

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/16/2015 11:19:39 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: Sen. Markey TSCA TA Request- Sound Science

Available times tomorrow?

On Jun 16, 2015, at 6:56 PM, "Freedhoff, Michal (Markey)" <Michal_Freedhoff@markey.senate.gov> wrote:

Thanks. I may have more questions on SNURS. Might help to do a quick call tomorrow/thurssday?

Thanks
Michal

From: Kaiser, Sven-Erik
Sent: Tuesday, June 16, 2015 6:42 PM
To: Freedhoff, Michal (Markey); Joseph, Avenel (Markey)
Subject: Sen. Markey TSCA TA Request- Sound Science

Michal,

This responds to your request for technical assistance on "sound science." EPA does not believe the phrase "sound science" is used in any EPA statutes, and we are not aware of case law construing the phrase. We note that the phrase is not used in the Senate bill either (or in the House bill). It appears that the closest language is in section 18(f)(1)(D) of the Senate bill as voted out of committee, which allows for discretionary preemption waivers for state laws that, among other things, are "consistent with sound objective scientific practices."

Attached are documents laying out key policies underlying EPA's scientific processes:

Principles of Scientific Integrity
Peer Review Handbook
The Risk Characterization Handbook
Guidances for Ecological Risk Assessment

The technical assistance is intended for use only by the requester. The technical assistance doesn't necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments. Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey)
Sent: Monday, June 8, 2015 10:38 AM
To: Sven-Erik Kaiser (Kaiser.Sven-Erik@epamail.epa.gov)
Cc: Freedhoff, Michal (Markey); Joseph, Avenel (Markey)
Subject: TSCA - TA request on "sound" science

Sven

Is “sound” science used in any other EPA statutes? Does the term have an understood meaning either through regulation or case law?

Thanks
michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/13/2016 9:07:13 PM
To: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
CC: Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
Subject: Re: Section 5

Checking

On May 13, 2016, at 5:06 PM, Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov> wrote:

Sven, same exercise. New text in green.

Cause any problems?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Sent: Friday, May 13, 2016 5:05 PM
To: Black, Jonathan (Tom Udall)
Subject: Section 5

This look ok? New text in green

To make explicit that a chemical can go to market in compliance with an order, both in the case of insufficient information (5)(e), insert the language in red:

“; the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and, the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use while any necessary information is being developed, only in compliance with the order.”

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/20/2016 3:38:59 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey Briefing Request on Asbestos and Section 5 SNUR

Michal,

I'm following up on the request for a call on asbestos and section 5 SNUR authority. Available times next week include:

Mon, July 25 – 10-10:30am
Weds, July 27 – 9-10am
Thurs, July 28 – 10-11:30am
Fri, July 29 - 1-5pm

Please let me know if any of those times work.

In addition, we are working on the following TSCA requests:

- PCBs and Caulk – first 30 schools
- Partial Risk Evaluations and Preemption
- Section 26, First 10 Workplan chemicals, and Preemption
- Definition of PCB containing materials (**new**)

Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/6/2016 9:04:56 PM
To: 'Black, Jonathan (Tom Udall)' [Jonathan_Black@tomudall.senate.gov]; Jones, Jim [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c32c4b9347004778b0a93a4cbd83fc8a-JJONES1]
CC: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]; Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
Subject: Sen. Udall TSCA TA Request on draft HLC (5-6)

Jonathan,
Got it – checking. What's your sense of timing? Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Friday, May 06, 2016 5:03 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Jones, Jim <Jones.Jim@epa.gov>
Cc: Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov>; Deveny, Adrian (Merkley) <Adrian_Deveny@merkley.senate.gov>
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To: Jackson, Ryan (Inhofe)
Cc: Karakitsos, Dimitri (EPW); Poirier, Bettina (EPW); Black, Jonathan (Tom Udall); Freedhoff, Michal (Markey); Larkin, Brendan; Deveny, Adrian (Merkley); Cohen, Jacqueline; Sarley, Chris; Couri, Jerry; Richards, Tina; Kessler, Rick; Fruci, Jean
Subject: House TSCA draft

Message

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Sent: 12/23/2015 5:59:53 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: Sen. Markey TSCA TA Request on Unreasonable Risk - SECTION 4 AND SECTION 6

Michal,

I'll be glad to circulate. The TSCA team is connected electronically and we're also working on the previous requests. Please let me know any additional questions. Happy holidays,
Sven

On Dec 23, 2015, at 12:52 PM, "Freedhoff, Michal (Markey)" <Michal_Freedhoff@markey.senate.gov> wrote:

Sven – just checking in to see whether this formulation works to address the catch-22? And if not, can you suggest a better formulation? No worries if relevant staff are out of the office, early in the new year is fine for response.

SEC. 4. TESTING OF CHEMICAL SUBSTANCES AND MIXTURES.

(a) TESTING REQUIREMENTS.—If the Administrator finds that—

(1)(A)(i) there is a basis for concern that the manufacture, distribution in commerce, pro-cessing, use, or disposal of a chemical substance or mixture, or that any combination of such activities, may present an unreasonable risk of injury to health or the environment,

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey

<image001.png><image002.png><image003.png><image004.jpg>

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Wednesday, December 16, 2015 5:35 PM
To: Freedhoff, Michal (Markey)
Subject: Sen. Markey TSCA TA Request on Unreasonable Risk - SECTION 4 AND SECTION 6

Michal,

This responds to your technical assistance request on “unreasonable risk.” Please let me know if any questions. Thanks,
Sven

Question: If the section 4 test finding catch 22 was removed or changed to something like "basis for concern" or something like that, under House text, would EPA be able to request some data from industry on a chemical that was ubiquitous but about which little was known in order to establish some potential for hazard (and then be able to proceed with a risk evaluation)? I don't think I read the House bill as allowing this, I think I read it as allowing testing once a risk evaluation is already underway. But if so, would EPA be likely to use its section 4 authority and resources that way, or

would it be more likely to use it on substances for which the "may pose an unreasonable risk" section 6 finding could more easily be made?

EPA Response: TSCA section 4 provides two bases for requiring testing: a finding the a chemical substance may present unreasonable risk (4(a)(1)(A)), and a finding based on production volume, release and/or exposure (4(a)(1)(B)). You previously asked whether the section 4 findings could be made for ubiquitous chemicals, and our answer was that they likely could under (B), but only for chemicals manufactured at substantial volumes. We understand that you now want to know if a change to the (A) findings would provide another, perhaps more certain, basis to require testing for ubiquitous chemicals.

We think it would, if by "ubiquitous" you mean a chemical with widespread exposure. If the (A) finding were changed to require only a showing that EPA has a basis for concern, we believe that language – plus the fact that Congress intentionally moved away from the "may present" standard – would give EPA a good basis to require testing of such a chemical in the absence of information demonstrating that the chemical posed little or no hazard. EPA would still need to show that there are insufficient data and experience as to the chemical to enable the Agency to determine or predict the effects of the chemical, and that testing is necessary to close the data gaps – findings that EPA must make under both (A) and (B) (4(a)(1)(A)(ii) and (iii), 4(a)(1)(B)(ii) and (iii)). But, again, for a chemical with widespread exposure, we think EPA would most likely be able to demonstrate a basis for concern so long as the Agency could show that there were open questions about hazard.

You also suggest the possibility of simply dropping the "may present" standard, rather than replacing it. We don't think that would make sense, since the (A) basis for testing would have no function if it contained no standard.

Finally, you asked whether or not EPA would be likely to use section 4, if given the authority, to help clear the hurdle to initiating a risk evaluation under section 6 of the House bill. We would not want to rule out this use of section 4 authority, but think such use would be fairly minimal, particularly in the earlier years of implementation when the focus would be on TSCA Work Plan chemicals and other chemicals that for which there is some information. EPA would interpret the bar for initiating a risk evaluation on non-Work Plan chemicals under 6(b)(3)(A)(i) as fairly low. The House language requires that EPA make a finding that the chemical substance "may present an unreasonable risk," but that finding is based on potential hazard and a potential route of exposure. We interpret this as not requiring actual or documented hazard/exposure information. And because we don't anticipate the 6(b)(3)(A)(i) finding to be a significant barrier to initiating risk evaluations, we also don't anticipate a regular need to invoke section 4 testing authority to overcome it. A more likely use of section 4 would be to support necessary analysis during the risk evaluation, and ultimately, a determination of whether or not the chemical substance "presents or will present...an unreasonable risk."

Sven-Erik Kaiser
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202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Sunday, December 06, 2015 9:53 AM
To: Distefano, Nichole <DiStefano.Nichole@epa.gov>
Cc: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>; Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov>
Subject: TA request (for starting on Monday)

Nichole

We've very much appreciated the rapid turn around on questions related to the "may pose an unreasonable risk" section 4 and 6 text of House/TSCA, as well as efforts to understand what it could mean for EPA to have to determine both potential exposure and potential hazard under section 6 before starting a risk evaluation.

I'm trying to understand whether the solution on section 6 could be in section 4.

If the section 4 test finding catch 22 was removed or changed to something like "basis for concern" or something like that, under House text, would EPA be able to request some data from industry on a chemical that was ubiquitous but about which little was known in order to establish some potential for hazard (and then be able to proceed with a risk evaluation)? I don't think I read the House bill as allowing this, I think I read it as allowing testing once a risk evaluation is already underway. But if so, would EPA be likely to use its section 4 authority and resources that way, or would it be more likely to use it on substances for which the "may pose an unreasonable risk" section 6 finding could more easily be made?

Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/19/2016 9:02:26 PM
To: 'Black, Jonathan (Tom Udall)' [Jonathan_Black@tomudall.senate.gov]
Subject: RE: TSCA Bill Copies

End of the day tomorrow works – how about 4 or so. Thanks,
Sven

Sven-Erik Kaiser
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Washington, DC 20460
202-566-2753

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Tuesday, July 19, 2016 4:51 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: TSCA Bill Copies

I'm actually on my way out the door. Can we coordinate for another day?

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, July 19, 2016 4:48 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Subject: RE: TSCA Bill Copies

Great – I can come by tonight (it's on my way home). Ok to come by around 5:30? I can get there sooner if you're closing up. Thanks,
Sven

Sven-Erik Kaiser
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1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Tuesday, July 19, 2016 4:45 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: TSCA Bill Copies

Yes! I have the copies and can do 12. (The redlines are the first and last page on nice paper with the redline border around them).

You are welcome to come by and pick them up next time you are in the area.

They are ready to be picked up if you want to coordinate with me.

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Tuesday, July 19, 2016 4:41 PM
To: Black, Jonathan (Tom Udall) <Jonathan.Black@tomudall.senate.gov>
Subject: TSCA Bill Copies

Jonathan – did you hear back from Nichole about bill copies? I think she said 10 was enough (although a dozen would be good since there's always someone you forgot). Just making sure we responded. Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
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1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/29/2016 4:00:33 PM
To: 'Black, Jonathan (Tom Udall)' [Jonathan_Black@tomudall.senate.gov]
Subject: RE: EPA Notification: TSCA Reform Bill -- First Year Implementation Plan

Jonathan – thanks – I'll check with folks about the link. Please send along any RLSO docs as they come available. Best,
Sven

Sven-Erik Kaiser
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1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Wednesday, June 29, 2016 11:56 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: EPA Notification: TSCA Reform Bill -- First Year Implementation Plan

Thanks.

You may want to link to this .pdf, which is what shows up as the public law on Congress.gov (attached).

The link below leads to a different pdf version, which is probably all the same content, but something for consideration.

<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/full-text-frank-r-lautenberg-chemical-safety-21st>

also, we have printed a number of redlines to share with EPA staff and will coordinate that with you!

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Wednesday, June 29, 2016 11:49 AM
Subject: EPA Notification: TSCA Reform Bill -- First Year Implementation Plan

Heads up that EPA today posted an Implementation Plan outlining the agency's first year plans to implement recent legislative amendments to TSCA made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. The Implementation Plan, along with additional information on the new Act, can be found at: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act>.

Also, EPA will host a webinar on June 30, 2016, from 2:00 to 3:00 EST to provide an informational overview of the new amendments, tailored to those unfamiliar with the new provisions. Additional opportunities for

stakeholder engagement are also planned in the coming weeks. To log in to the webinar, go to <http://epawebconferencing.acms.com/overviewreform/> and sign in as a guest. For audio, please call Personal Phone / Ex. 6

Personal Phone / Ex. 6 and enter code Personal Phone / Ex. 6

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
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1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 9/1/2016 2:26:05 PM
BCC: Karakitsos, Dimitri (EPW) [Dimitri_Karakitsos@epw.senate.gov]; Jackson, Ryan (Inhofe) [Ryan_Jackson@inhofe.senate.gov]; Fox, Thomas (EPW) [Thomas_Fox@epw.senate.gov]; 'Albritton, Jason (EPW)' [Jason_Albritton@epw.senate.gov]; Poirier, Bettina (EPW) [Bettina_Poirier@epw.senate.gov]; McCarthy, David [David.McCarthy@mail.house.gov]; Richards, Tina [Tina.Richards@mail.house.gov]; Couri, Jerry [JerryCouri@mail.house.gov]; 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]; Fruci, Jean [Jean.Fruci@mail.house.gov]; Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]; Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]; Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]; Wojciechowski, Adrienne (Judiciary-Dem) [Adrienne_Wojciechowski@Judiciary-dem.senate.gov]; 'Deveny, Adrian (Merkley)' [Adrian_Deveny@merkley.senate.gov]; Enderle, Emily (Whitehouse) [Emily_Enderle@whitehouse.senate.gov]; Hunt, Jasmine (Durbin) [Jasmine_Hunt@durbin.senate.gov]; rick.kessler@mail.house.gov; tuley.wright@mail.house.gov; Bastian, Eleanor [Eleanor.Bastian@mail.house.gov]; Espinosa, Sergio [Sergio.Espinosa@mail.house.gov]; laura_gillam@carper.senate.gov; jordan_baugh@gillibrand.senate.gov; Tharpe, Amanda (Rounds) [Amanda_Tharpe@rounds.senate.gov]
Subject: Notification: TSCA Implementation Progress

TSCA Aficionados,

Here is a summary of EPA actions to ensure that the Frank R. Lautenberg Chemical Safety for the 21st Century Act signed June 22, 2016, delivers on the promise of better protecting the environment and public health. The TSCA reforms outline a number of responsibilities for EPA that must be completed within a tight timeframe.

The milestones accomplished by the agency include:

- A plan released on June 29, 2016, that outlines activities for the first year of implementing the new law;
- The first determinations completed on seven premanufacture notices under TSCA in July, 2016. The new law requires the agency to make affirmative determinations on new chemical substances before they can enter the marketplace. Additional determinations will be released as they are completed;
- A series of public meetings held on August 9-12, 2016, to obtain comments and feedback from stakeholders on the processes that will be used to establish fees and prioritize and evaluate chemicals under the new law;
- A list of five mercury compounds released on August 26, 2016, that will be prohibited from export as of January 1, 2020. This action will prevent the ability to convert these compounds to elemental mercury after export from the United States.
- Additionally, the agency is establishing the Science Advisory Committee on Chemicals (SACC) to provide independent advice and expert consultation on scientific and technical aspects on risk evaluations, methodologies, and pollution prevention measures or approaches. The call for nominations to serve on this committee was issued on August 26, 2016.

The new amendments to TSCA will help bring significant improvements to public health as EPA continues to take the steps necessary for its successful implementation.

More about the Frank R. Lautenberg Chemical Safety for the 21st Century Act and EPA's implementation activities and to sign up for updates, visit: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act>

Please let me know if any questions on TSCA implementation progress. Thanks,
Sven

Sven-Erik Kaiser
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Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
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Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/6/2016 5:40:52 PM
To: Michal_Freedhoff@markey.senate.gov
Subject: Sen. Markey TSCA TA Question on effective date

Michal,

This TA responds to the request on implementation and the effective date.

A brief period of time between enactment and the effective date would be helpful in order for EPA to ensure that appropriate mechanisms are in place to implement our new responsibilities, particularly those contemplated in Sections 5 and 14. We suggest an effective date of the new law to be 30 days after enactment.

This TA only responds to changes since the last version at the time we were reviewing. All previously offered TA is still germane to the extent the provision has not changed since the TA was offered. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments.

Please let me know if any questions. Thanks,

Sven

Sven-Erik Kaiser

U.S. EPA

Office of Congressional and Intergovernmental Relations

1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460

202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Friday, May 06, 2016 11:10 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Question w effective date

Sven

Does EPA have a concern with the effective date being the date of enactment in terms of its ability to implement?

If so, how much time would you need?

M

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
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Subject: RE: TSCA Bill Copies

Great – I can come by tonight (it's on my way home). Ok to come by around 5:30? I can get there sooner if you're closing up. Thanks,
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They are ready to be picked up if you want to coordinate with me.

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Tuesday, July 19, 2016 4:41 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Subject: TSCA Bill Copies

Jonathan – did you hear back from Nichole about bill copies? I think she said 10 was enough (although a dozen would be good since there's always someone you forgot). Just making sure we responded. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 6/29/2016 3:48:49 PM
BCC: 'Albritton, Jason (EPW)' [Jason_Albritton@epw.senate.gov]; 'Fox, Thomas (EPW)' [Thomas_Fox@epw.senate.gov]; 'Black, Jonathan (Tom Udall)' [Jonathan_Black@tomudall.senate.gov]; 'Enderle, Emily (Whitehouse)' [Emily_Enderle@whitehouse.senate.gov]; 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]; 'Zipkin, Adam (Booker)' [Adam_Zipkin@booker.senate.gov]; 'Jackson, Ryan (EPW)' [Ryan_Jackson@epw.senate.gov]; 'Karakitsos, Dimitri (EPW)' [Dimitri_Karakitsos@epw.senate.gov]; 'McCarthy, David' [David.McCarthy@mail.house.gov]; 'Couri, Jerry' [JerryCouri@mail.house.gov]; 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]; 'Fruci, Jean' [Jean.Fruci@mail.house.gov]; 'Espinosa, Sergio' [Sergio.Espinosa@mail.house.gov]; 'Richards, Tina' [Tina.Richards@mail.house.gov]; 'Bastian, Eleanor' [Eleanor.Bastian@mail.house.gov]; 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]; 'maryam.brown@mail.house.gov' [maryam.brown@mail.house.gov]; 'gary.andres@mail.house.gov' [gary.andres@mail.house.gov]; 'McCarthy, David' [David.McCarthy@mail.house.gov]; 'jeff.carroll@mail.house.gov' [jeff.carroll@mail.house.gov]; 'Cohen, Jacqueline' [jackie.cohen@mail.house.gov]; 'kenneth.degraff@mail.house.gov' [kenneth.degraff@mail.house.gov]; 'mary.frances.repko@mail.house.gov' [mary.frances.repko@mail.house.gov]; 'Jackson, Ryan (EPW)' [Ryan_Jackson@epw.senate.gov]; 'Karakitsos, Dimitri (EPW)' [Dimitri_Karakitsos@epw.senate.gov]; 'bettina.poirier@epw.senate.gov' [bettina.poirier@epw.senate.gov]; 'Albritton, Jason (EPW)' [Jason_Albritton@epw.senate.gov]; 'Black, Jonathan (Tom Udall)' [Jonathan_Black@tomudall.senate.gov]; 'Deveny, Adrian (Merkley)' [Adrian_Deveny@merkley.senate.gov]; 'Wallace, Andrew (Tom Udall)' [Andrew_Wallace@tomudall.senate.gov]; 'alexander_mcdonough@reid.senate.gov' [alexander_mcdonough@reid.senate.gov]; 'neil_chatterjee@mccconnell.senate.gov' [neil_chatterjee@mccconnell.senate.gov]; 'gary.andres@mail.house.gov' [gary.andres@mail.house.gov]; 'jasmine_hunt@durbin.senate.gov' [jasmine_hunt@durbin.senate.gov]; 'rick.kessler@mail.house.gov' [rick.kessler@mail.house.gov]; Flattery, Priscilla [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bf3936418d3944f6a520c8fdb5cfd5-Flattery, Priscilla]; Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fdcf3eb96e8b78-Distefano,]; Strauss, Linda [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=301660ea0f7845769db2210317516451-Strauss, Linda]; Brown, Tristan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=2524f58c2f0442cbbd025cdcbd4d1f7e-Hilton, Tri]; 'Poirier, Bettina (EPW)' [Bettina_Poirier@epw.senate.gov]; Schmit, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7077ecbac4914a00ad465398f92bbe78-Schmit, Ryan]
Subject: EPA Notification: TSCA Reform Bill -- First Year Implementation Plan

Heads up that EPA today posted an Implementation Plan outlining the agency's first year plans to implement recent legislative amendments to TSCA made by the Frank R. Lautenberg Chemical Safety for the 21st Century Act. The Implementation Plan, along with additional information on the new Act, can be found at: <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act>.

Also, EPA will host a webinar on June 30, 2016, from 2:00 to 3:00 EST to provide an informational overview of the new amendments, tailored to those unfamiliar with the new provisions. Additional opportunities for stakeholder engagement are also planned in the coming weeks. To log in to the webinar, go to <http://epawebconferencing.acms.com/overviewreform/> and sign in as a guest. For audio, please call

and enter code

Personal Phone / Ex. 6

Personal Phone / Ex. 6

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)

Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 2/22/2016 9:58:31 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: section 5

We have some complications tomorrow. Can we have until 4pm tomorrow?

On Feb 22, 2016, at 4:53 PM, "Freedhoff, Michal (Markey)" <Michal_Freedhoff@markey.senate.gov> wrote:

So in my version of the document:

Red- 697 amdts to TSCA section 5

Blue/purple – senate changes intended to be responsive to house/senate discussions and also reflecting removal of 'safety std' and also some of your TA.

I did remove redlining of some deletions of 697 so the file was more readable

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey

<image001.png><image002.png><image003.png><image004.jpg>

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Monday, February 22, 2016 3:57 PM
To: Freedhoff, Michal (Markey)
Subject: Re: section 5

Got it - thanks

On Feb 22, 2016, at 3:51 PM, "Freedhoff, Michal (Markey)" <Michal_Freedhoff@markey.senate.gov> wrote:

Sven

I'm attaching a re-draft of section 5, with some streamlining and other more substantive changes. I'd appreciate your team's take, with a particular focus on the areas where we shifted away from a 'safety standard' and back to an 'unreasonable risk' construct, and to anything else you think could pose workability or other challenges.

I'd appreciate getting this back before 11 AM tomorrow and hope that is doable.

Thanks

Michal

<5-02-22-16SENATEMF.doc>

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/13/2016 5:36:23 PM
To: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
CC: Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
Subject: Re: TA request on entry to market

Great - let me know if any additional requests. Thanks,
Sven

On May 13, 2016, at 1:34 PM, Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov> wrote:

Thank you!

Unnecessary, but no technical issue is exactly what we want!!!

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Friday, May 13, 2016 1:30 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>; Deveny, Adrian (Merkley) <Adrian_Deveny@merkley.senate.gov>
Subject: TA request on entry to market

Jonathan,
This responds to the TA request on entry to market.

We believe the language added in Adrian's 1:02:48 PM email is unnecessary but that it also creates no technical issues within 5(e). Note, though, that if comparable language is not added to 5(f), it could create the implication either that manufacture and processing may not proceed under an (f) order, or that they may proceed out of compliance with the terms of an (f) order.

From: "Black, Jonathan (Tom Udall)" <Jonathan_Black@tomudall.senate.gov>
Date: May 13, 2016 at 1:18:49 PM EDT
To: "Deveny, Adrian (Merkley)" <Adrian_Deveny@merkley.senate.gov>, "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
Subject: RE: need something

Sven, this is the new urgent email:

Please let us know if this creates any problem, or presumption of entry into market.

From: Black, Jonathan (Tom Udall)

Sent: Friday, May 13, 2016 1:03 PM

To: Deveny, Adrian (Merkley) <Adrian_Deveny@merkley.senate.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Subject: RE: need something

Sorry, we're adding one thing: "the submitter"

the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and, the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, only in compliance with the order.

From: Deveny, Adrian (Merkley)

Sent: Friday, May 13, 2016 1:02 PM

To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>

Subject: RE: need something

Please let us know if this creates any problem, or presumption of entry into market.

From: Black, Jonathan (Tom Udall)

Sent: Friday, May 13, 2016 1:01 PM

To: Kaiser, Sven-Erik

Cc: Deveny, Adrian (Merkley)

Subject: RE: need something

We're thinking about this:

the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and, may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, only in compliance with the order.

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Friday, May 13, 2016 12:52 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Subject: Re: need something

Close

On May 13, 2016, at 12:50 PM, Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov> wrote:

Almost done?

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/19/2016 8:41:03 PM
To: 'Black, Jonathan (Tom Udall)' [Jonathan_Black@tomudall.senate.gov]
Subject: TSCA Bill Copies

Jonathan – did you hear back from Nichole about bill copies? I think she said 10 was enough (although a dozen would be good since there's always someone you forgot). Just making sure we responded. Thanks, Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/22/2015 2:51:42 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: FW: Sen. Markey TSCA TA on SNURs
Attachments: SNUR Stats.6.16.15.docx

Michal – resending your June SNUR TA in case you need it. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Kaiser, Sven-Erik
Sent: Tuesday, June 16, 2015 6:08 PM
To: 'Freedhoff, Michal (Markey)' <Michal_Freedhoff@markey.senate.gov>; Joseph, Avenel (Markey) <Avenel_Joseph@markey.senate.gov>
Subject: Sen. Markey TSCA TA on SNURs

Michal,
Thank you for the technical assistance request on SNURs. Please see the attached chart that responds to your request. In addition, in the requested time period, the only SNURs where the exemption for articles was lifted include mercury SNURs issued October 5, 2007 and July 21, 2010. There were no SNURs submitted during this time period related to a new use in articles.

Also, EPA doesn't agree that SNURs are a de facto barrier. EPA issues a SNUR because we believe it is important to assess the proposed new use before it takes place. If the notice submitter provides information that supports a determination that the new use is not likely to present a risk, EPA would let it go forward.

Finally, we agree that the terms "affirmative" and "reasonable" could be subject to litigation. That said, we do not believe the bar for EPA to demonstrate that those standards are met is very high. We believe that a finding regarding the potential for exposure would most likely be viewed as an "affirmative" finding so long as it is expressly made. We also believe that the requirement that the potential for exposure be "reasonable" does not add much to what the Administrative Procedure Act would require if "reasonable" did not appear in the provision, since a finding by EPA that there was a potential for exposure would likely need to be reasonable to withstand judicial scrutiny in any event.

This technical assistance is intended for use only by the requester. The technical assistance does not necessarily represent the policy positions of the agency and the administration on the bill, the draft language and the comments. Please let me know if any additional questions. Best,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Monday, June 15, 2015 4:49 PM
To: Kaiser, Sven-Erik
Cc: Freedhoff, Michal (Markey); Joseph, Avenel (Markey)
Subject: TSCA TA - SNURs

Sven

In discussing the new ly added SNUR provision with various parties, we were provided with the pasted statistics below. Could you tell us, for each year listed below, how many SNURs EPA issued (and how many of those were applied to articles)? How many of the SNUNs listed below applied to articles? Finally, does EPA concur with the statement that SNURs act as a defacto barrier to engaging in a significant new use (and why or why not)?

Also, as a general matter, when we talked to Jim he told us that what is in S 697 on this matter is EPA's general current practice, ie that if it intends to do a notification about an article it does assess exposure first. What many have raised concerns with about the S 697 language (also pasted below) is not necessarily a concern about EPA's practice, but of the potential for the EPA's practice to become litigatable. For example, wouldn't the words "affirmative" and "reasonable" be words that could be litigated if an articles manufacturer had an issue with what EPA was doing?

Thanks
Michal

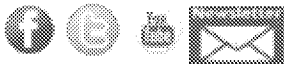
"In theory, SNURs are simply requirements to submit information to EPA before engaging in a significant new use. In practice, SNURs act as a *de facto* barrier to engaging in a significant new use. This may be seen by the paucity of significant new use notices (SNUNs) submitted each year. EPA currently has about 1,685 SNURs, some of which apply to multiple chemicals. Yet almost no SNUNs are filed for those SNURs. See the following:

- FY 2005: 4 SNUNs were filed
- FY 2006: 8 SNUNs were filed
- FY 2007: 6 SNUNs were filed
- FY 2008: 8 SNUNs were filed
- FY 2009: 7 SNUNs were filed
- FY 2010: 2 SNUNs were filed
- FY 2011: 11 SNUNs were filed"

“(3) ARTICLE CONSIDERATION.—The Administrator may require the notification for the import or processing of a chemical substance as part of an article or category of articles under paragraph (1)(B) if the Administrator makes an affirmative finding in a rule under paragraph (2) that the reasonable potential for exposure to the chemical substance through the article or category of articles subject to the rule warrants notification.”;

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/13/2016 5:30:00 PM
To: jonathan_black@tomudall.senate.gov; Adrian_Deveny@merkley.senate.gov
Subject: TA request on entry to market

Jonathan,
This responds to the TA request on entry to market.

We believe the language added in Adrian's 1:02:48 PM email is unnecessary but that it also creates no technical issues within 5(e). Note, though, that if comparable language is not added to 5(f), it could create the implication either that manufacture and processing may not proceed under an (f) order, or that they may proceed out of compliance with the terms of an (f) order.

From: "Black, Jonathan (Tom Udall)" <Jonathan_Black@tomudall.senate.gov>
Date: May 13, 2016 at 1:18:49 PM EDT
To: "Deveny, Adrian (Merkley)" <Adrian_Deveny@merkley.senate.gov>, "Kaiser, Sven-Erik" <Kaiser.Sven-Erik@epa.gov>
Subject: RE: need something

Sven, this is the new urgent email:

Please let us know if this creates any problem, or presumption of entry into market.

From: Black, Jonathan (Tom Udall)
Sent: Friday, May 13, 2016 1:03 PM
To: Deveny, Adrian (Merkley) <Adrian_Deveny@merkley.senate.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: need something

Sorry, we're adding one thing: "the submitter"

the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and, the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, only in compliance with the order.

From: Deveny, Adrian (Merkley)
Sent: Friday, May 13, 2016 1:02 PM
To: Black, Jonathan (Tom Udall) <Jonathan.Black@tomudall.senate.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: need something

Please let us know if this creates any problem, or presumption of entry into market.

From: Black, Jonathan (Tom Udall)
Sent: Friday, May 13, 2016 1:01 PM
To: Kaiser, Sven-Erik
Cc: Deveny, Adrian (Merkley)
Subject: RE: need something

We're thinking about this:

the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and, may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, only in compliance with the order.

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Friday, May 13, 2016 12:52 PM

To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>

Subject: Re: need something

Close

On May 13, 2016, at 12:50 PM, Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov> wrote:

Almost done?

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/22/2015 2:50:23 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
CC: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
Subject: RE: Udall.TSCA TA.SNUR language compared to current TSCA.docx

Yes – that's the April SNUR TA. Nothing else went to Jonathan on SNURs. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Tuesday, December 22, 2015 9:39 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Subject: Udall.TSCA TA.SNUR language compared to current TSCA.docx

This is what I have in my files – Sven, if there is something else, pls send, and JB, just making sure it is ok with you to share this document as described.

Thanks
Michal

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 2/22/2016 9:49:34 PM
To: Michal Freedhoff [Michal_Freedhoff@markey.senate.gov]
Subject: Fwd: TA request -section 6(e)

Michal,
Did we address this on the call with Dimitri and other folks? Thanks,
Sven

From: <Kaiser.Sven-Erik@epa.gov>
Date: February 14, 2016 at 12:50:14 PM EST
To: "Freedhoff, Michal (Markey)" <Michal_Freedhoff@markey.senate.gov>
Subject: Re: TA request -section 6(e)

Michal,
Got it. Thanks,
Sven

On Feb 14, 2016, at 11:34 AM, "Freedhoff, Michal (Markey)" <Michal_Freedhoff@markey.senate.gov> wrote:

Sven

When the Senate 'fixed' unreasonable risk throughout TSCA, it did not address instances in section 6(e) on stated grounds that these regulations had been completed and that there had not been litigation surrounding them. I was ok with that at the time, but have since been made aware that EPA is considering changing its PCB regulations.

Does EPA have a concern that 'unreasonable risk' determinations in section 6(e) also need to be somehow addressed by removing costs?

Thanks
Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/13/2016 5:20:02 PM
To: Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
CC: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
Subject: Re: need something

We're on it

On May 13, 2016, at 1:19 PM, Deveny, Adrian (Merkley) <Adrian_Deveny@merkley.senate.gov> wrote:

Sven—this the urgent request we need asap. Latest TA doesn't respond to this.

From: Deveny, Adrian (Merkley)
Sent: Friday, May 13, 2016 1:02 PM
To: Black, Jonathan (Tom Udall); Kaiser, Sven-Erik
Subject: RE: need something

Please let us know if this creates any problem, or presumption of entry into market.

From: Black, Jonathan (Tom Udall)
Sent: Friday, May 13, 2016 1:01 PM
To: Kaiser, Sven-Erik
Cc: Deveny, Adrian (Merkley)
Subject: RE: need something

We're thinking about this:

the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and, may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, only in compliance with the order.

From: Kaiser, Sven-Erik [mailto:Kaiser.Sven-Erik@epa.gov]
Sent: Friday, May 13, 2016 12:52 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Subject: Re: need something

Close

On May 13, 2016, at 12:50 PM, Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov> wrote:

Almost done?

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/22/2015 2:45:03 PM
To: 'Black, Jonathan (Tom Udall)' [Jonathan_Black@tomudall.senate.gov]; Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: RE: Udall.TSCA TA.SNUR language compared to current TSCA.docx

Jonathan and Michal,
I'll check now and confirm that that's it. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Black, Jonathan (Tom Udall) [mailto:Jonathan_Black@tomudall.senate.gov]
Sent: Tuesday, December 22, 2015 9:40 AM
To: Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Re: Udall.TSCA TA.SNUR language compared to current TSCA.docx

I think that's all there was. And that should be fine to share.

From: Freedhoff, Michal (Markey)
Sent: Tuesday, December 22, 2015 9:39 AM
To: Sven-Erik Kaiser (Kaiser.Sven-Erik@epamail.epa.gov)
Cc: Black, Jonathan (Tom Udall)
Subject: Udall.TSCA TA.SNUR language compared to current TSCA.docx

This is what I have in my files – Sven, if there is something else, pls send, and JB, just making sure it is ok with you to share this document as described.

Thanks
Michal

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/27/2016 3:59:26 PM
To: 'Couri, Jerry' [JerryCouri@mail.house.gov]
Subject: HEC TSCA TA Request on section 5

Jerry,
This responds to the TA request on section 5 notifications.

1. Currently, approximately how many PMNs and SNUNs are voluntarily suspended by the TSCA section 5(a)(1) notice submitter?

Response: There are approximately 150 PMNs and SNUNs under voluntary suspensions.

2. Approximately, what is the year of receipt of the oldest such notification?

Response: The oldest PMN under voluntary suspension was received by EPA on 5/19/09. The oldest SNUN under voluntary suspension was received by EPA on 6/30/03.

Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Couri, Jerry [<mailto:JerryCouri@mail.house.gov>]
Sent: Friday, May 27, 2016 10:14 AM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Quick TSCA question

Sven,

I know there was some concern by the Agency about getting an effective date included in the bill to give you guys some lead time on sections 5 and 14. To that end, I have 2 questions:

1. Currently, approximately how many PMNs and SNUNs are voluntarily suspended by the TSCA section 5(a)(1) notice submitter?
2. Approximately, what is the year of receipt of the oldest such notification?

Thanks in advance for your help in trying, on the Friday before the break to turn this one around for me.

■ Jerry

Gerald S. Couri

**Senior Environmental Policy Advisor | Committee on Energy
and Commerce**

U.S. House of Representatives

2125 Rayburn Building | 202.226.9603 (direct)

<image001.png><image002.png><image003.png><image004.png><image005.png>

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/19/2016 4:17:03 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey Inquiry on TSCA Section 26 and First 10 Workplan Chemicals

Michal,

This responds to the inquiry on using TSCA section 26 for the first 10 Workplan chemicals. You ask whether EPA believes it would be legally defensible to deem a category of chemically analogous Workplan chemicals to be a single chemical substance, for purposes of section 6(b)(2)(A) (EPA to commence risk evaluations for 10 chemical substances within 180 days of enactment). We believe this would be a legally defensible exercise of EPA's authority under 26(c).

EPA has broad discretion under section 26(c) to define chemical categories, including based on similar uses and similar chemical properties. With respect to such categories, section 26(c) establishes a general rule of construction that applies throughout the whole Act: "any reference in this Act to a chemical substance or mixture (insofar as it relates to such action) shall be deemed to be a reference to each chemical substance or mixture in such category." Thus, one of the 10 chemical substances referenced in 6(b)(2)(A) could be actually be a category that EPA established under 26(c).

The question you raise is not beyond debate, but we believe ours is the better reading of the statute. Congress knew about the existence of 26(c) at the time TSCA was amended to add 6(b)(2)(A), and yet did not limit 26(c) to prevent it from being applied to 6(b)(2)(A). We therefore believe that the stronger implication is that Congress did not intend to modify 26(c) so that it applies more narrowly in the context of 6(b)(2)(A). Furthermore, in terms of section 6 implementation, a category of chemically analogous Workplan chemicals would take the functional place of a single chemical substance – EPA could practicably issue a single risk evaluation for that category and address any unreasonable risk by a single rule.

Please let me know if any additional questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Thursday, July 07, 2016 3:22 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: TSCA question followup

Hi Sven

In the call we had a couple weeks ago, it sounded like OGC hadn't yet made a determination about whether you can use the section 26 category authority for the first 10 WPs (ie, group flame retardants or pigments even though they are not necessarily grouped on the WP itself). Has that been figured out yet?

I'm getting increasing numbers of requests for EJM to weigh in on various chemicals and am trying to sort out whether it makes any sense for him to do so.

Thanks

Michal

Michal Ilana Freedhoff, Ph.D.
Director of Oversight & Investigations
Office of Senator Edward J. Markey
255 Dirksen Senate Office Building
Washington, DC 20510
202-224-2742

Connect with Senator Markey



Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/21/2016 8:36:28 PM
To: 'Freedhoff, Michal (Markey)' [Michal_Freedhoff@markey.senate.gov]
Subject: Sen. Markey TSCA TA on 12 months for manufacturer-requested risk evaluations

Michal,
This TA responds to the request on manufacturer requested risk evaluations.

We have one comment on your first item: **6 months for notice and comment and decision-making**

You indicate that the intent is to import from S 697 the notice and comment and timeframe requirements for deciding on industry requests for risk evaluations. If so, in your suggested text, the word "shorter" should be changed to "longer" in the phrase "no shorter than six months."

Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Freedhoff, Michal (Markey) [mailto:Michal_Freedhoff@markey.senate.gov]
Sent: Saturday, May 21, 2016 3:03 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Distefano, Nichole <DiStefano.Nichole@epa.gov>
Subject: Fw: 12 months for manufacturer-requested risk evaluations

Because hope springs eternal. :-) can you pls take a look when you're done with other pending requests?
Thx
M

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

1) 6 months for notice and comment and decision-making— this is from S697 as passed

“(A) IN GENERAL.—The public shall be provided notice and an opportunity to comment on requests submitted under this subsection.

“(B) DECISION BY ADMINISTRATOR.—Not later than 180 days after the date on which the Administrator receives a request under this subsection, the Administrator shall decide whether or not to grant the request.

Suggested edits to conform to current text: Page 47 line 11 add a new “(v) The rulemaking required in subparagraph (B) shall ensure that the time required for the Administrator to decide whether to grant a request under subparagraph (C)(ii) be no shorter than six months, and that the public is provided with notice and an opportunity for comment on each such request upon its receipt by the Administrator”.

2) 6 months in scoping

Page 44 starting on line 24

“(D) SCOPE.—The Administrator shall, not later than 6 months after the initiation of a risk evaluation, publish the scope of the risk evaluation to be conducted, including the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Administrator expects to consider, and, for each designation of a high-priority substance, ensure not less than 12 months between the initiation of the prioritization process for the chemical substance and the publication of the scope of the risk evaluation for the chemical substance, and for risk evaluations conducted on chemical substances that have been-identified under paragraph (2)(A) or selected under subparagraph (E)(iv)(II) of this paragraph, ensure not less than 3 6 months before the Administrator publishes the scope of the risk evaluation.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 2/22/2016 9:36:45 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Sen Markey TSCA TA request on section 5

Michal- can you tell me if this is going to the house or result of house-senate discussion? It looks like this is a mark up of current TSCA. Thanks,
Sven

On Feb 22, 2016, at 3:51 PM, "Freedhoff, Michal (Markey)" <Michal_Freedhoff@markey.senate.gov> wrote:

Sven

I'm attaching a re-draft of section 5, with some streamlining and other more substantive changes. I'd appreciate your team's take, with a particular focus on the areas where we shifted away from a 'safety standard' and back to an 'unreasonable risk' construct, and to anything else you think could pose workability or other challenges.

I'd appreciate getting this back before 11 AM tomorrow and hope that is doable.

Thanks

Michal

<5-02-22-16SENATEMF.doc>

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/18/2016 7:13:18 PM
To: 'Karakitsos, Dimitri (EPW)' [Dimitri_Karakitsos@epw.senate.gov]
Subject: RE: Sen. Inhofe Staff Briefing on TSCA progress

Got it - thanks

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Karakitsos, Dimitri (EPW) [mailto:Dimitri_Karakitsos@epw.senate.gov]
Sent: Monday, July 18, 2016 3:10 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>; Jackson, Ryan (Inhofe) <Ryan_Jackson@inhofe.senate.gov>
Subject: Re: Sen. Inhofe Staff Briefing on TSCA progress

Not sure if Ryan can make it but I am still here. Let's meet in Hart 415 please.

Thanks Sven

From: Kaiser, Sven-Erik
Sent: Monday, July 18, 2016 2:51 PM
To: Karakitsos, Dimitri (EPW); Jackson, Ryan (Inhofe)
Subject: Sen. Inhofe Staff Briefing on TSCA progress

Confirming briefing today at 4pm. Location? Thanks,
Sven

Sen. Inhofe Staff Briefing on TSCA progress
Scheduled: Monday, Jul 18, 2016 from 4:00 PM to 5:00 PM
Location: TBA
Invitees: Karakitsos, Dimitri (EPW), Jackson, Ryan (Inhofe)

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/13/2016 5:05:50 PM
To: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
CC: Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
Subject: Re: need something

On it

On May 13, 2016, at 1:03 PM, Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov> wrote:

Sorry, we're adding one thing: "the submitter"

the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and, the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, only in compliance with the order.

From: Deveny, Adrian (Merkley)
Sent: Friday, May 13, 2016 1:02 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: need something

Please let us know if this creates any problem, or presumption of entry into market.

From: Black, Jonathan (Tom Udall)
Sent: Friday, May 13, 2016 1:01 PM
To: Kaiser, Sven-Erik
Cc: Deveny, Adrian (Merkley)
Subject: RE: need something

We're thinking about this:

the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and, may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, only in compliance with the order.

From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Friday, May 13, 2016 12:52 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Subject: Re: need something

Close

On May 13, 2016, at 12:50 PM, Black, Jonathan (Tom Udall) <Jonathan.Black@tomudall.senate.gov> wrote:

Almost done?

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 12/17/2015 8:40:53 PM
To: 'Fruci, Jean' [Jean.Fruci@mail.house.gov]; Kessler, Rick [Rick.Kessler@mail.house.gov]; Wright, Tuley [Tuley.Wright@mail.house.gov]
Subject: HEC min TSCA TA Request on Savings Clause
Attachments: HEC min.TSCA TA.Savings Clause.docx

Jean,

This responds to the first item in the TA request on savings clause language. The rest of the TA is in process and I'll send as soon as ready. Please let me know if any questions. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753

From: Fruci, Jean [mailto:Jean.Fruci@mail.house.gov]
Sent: Wednesday, December 16, 2015 7:33 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Kessler, Rick <Rick.Kessler@mail.house.gov>; Wright, Tuley <Tuley.Wright@mail.house.gov>
Subject: request for technical assistance

Sven:

Thanks for arranging today's call on TSCA. As a follow-up to today's discussion, we would like to have some assistance with the following:

- 1) Alternative language to clarify the savings clauses to preserve existing state authorities under TSCA – especially with respect to Proposition 65.
- 2) Alternative language to clarify the scope of pre-emption such that states' ability to act on chemical uses or health endpoints that EPA did not consider in a risk evaluation/risk management of a chemical is preserved.
- 3) Alternative language on "Nomenclature" that preserves the Administrator's discretion to deviate from the conventions listed when necessary to carry out the purposes of the Act. (I have some language for you to consider also). It should be ready sometime tomorrow.
- 4) Further consideration of the implications of changing "unreasonable risk" in other Sections of TSCA.

I think that does it for now.

Jean

Jean Fruci, Ph.D.
Professional Staff
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515
202 225-4407
Jean.Fruci@mail.house.gov

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/21/2016 7:07:13 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
Subject: Re: 12 months for manufacturer-requested risk evaluations

Got it

On May 21, 2016, at 3:06 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Definitely just for me for now. Thanks.

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

From: Kaiser, Sven-Erik
Sent: Saturday, May 21, 2016 3:05 PM
To: Freedhoff, Michal (Markey)
Cc: Distefano, Nichole
Subject: Re: 12 months for manufacturer-requested risk evaluations

Got it- will put in the queue. Is this just for you, i.e., not for the group getting technical and conforming comments.
Thanks,
Sven

On May 21, 2016, at 3:03 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Because hope springs eternal. :-) can you pls take a look when you're done with other pending requests?
Thx
M

Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

1) 6 months for notice and comment and decision-making– this is from S697 as passed

“(A) IN GENERAL.—The public shall be provided notice and an opportunity to comment on requests submitted under this subsection.

“(B) DECISION BY ADMINISTRATOR.—Not later than 180 days after the date on which the Administrator receives a request under this subsection, the Administrator shall decide whether or not to grant the request.

Suggested edits to conform to current text: Page 47 line 11 add a new “(v) The rulemaking required in subparagraph (B) shall ensure that the time required for the Administrator to decide whether to grant a

request under subparagraph (C)(ii) be no shorter than six months, and that the public is provided with notice and an opportunity for comment on each such request upon its receipt by the Administrator”.

2) 6 months in scoping

Page 44 starting on line 24

“(D) SCOPE.—The Administrator shall, not later than 6 months after the initiation of a risk evaluation, publish the scope of the risk evaluation to be conducted, including the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Administrator expects to consider, and, for each designation of a high-priority substance, ensure not less than 12 months between the initiation of the prioritization process for the chemical substance and the publication of the scope of the risk evaluation for the chemical substance, and for risk evaluations conducted on chemical substances that have been-identified under paragraph (2)(A) or selected under subparagraph (E)(iv)(II) of this paragraph, ensure not less than 3 6 months before the Administrator publishes the scope of the risk evaluation.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 7/18/2016 6:51:34 PM
To: Dimitri_Karakitsos@epw.senate.gov; Ryan_Jackson@inhofe.senate.gov
Subject: Sen. Inhofe Staff Briefing on TSCA progress

Confirming briefing today at 4pm. Location? Thanks,
Sven

Sen. Inhofe Staff Briefing on TSCA progress

Scheduled: Monday, Jul 18, 2016 from 4:00 PM to 5:00 PM

Location: TBA

Invitees: Karakitsos, Dimitri (EPW), Jackson, Ryan (Inhofe)

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/13/2016 5:05:36 PM
To: Deveny, Adrian (Merkley) [Adrian_Deveny@merkley.senate.gov]
CC: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
Subject: Re: need something

Almost there

On May 13, 2016, at 1:03 PM, Deveny, Adrian (Merkley) <Adrian_Deveny@merkley.senate.gov> wrote:

Also need this in the next 10 mins...

From: Black, Jonathan (Tom Udall)
Sent: Friday, May 13, 2016 1:03 PM
To: Deveny, Adrian (Merkley); Kaiser, Sven-Erik
Subject: RE: need something

Sorry, we're adding one thing: "the submitter"

the Administrator shall issue an order, to take effect on the expiration of the applicable review period, to prohibit or limit the manufacture, processing, distribution in commerce, use, or disposal of such substance or to prohibit or limit any combination of such activities to the extent necessary to protect against an unreasonable risk of injury to health or the environment, without consideration of costs or other nonrisk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant by the Administrator under the conditions of use, and, the submitter of the notice may commence manufacture of the chemical substance, or manufacture or processing of the chemical substance for a significant new use, only in compliance with the order.

From: Deveny, Adrian (Merkley)
Sent: Friday, May 13, 2016 1:02 PM
To: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: need something

Please let us know if this creates any problem, or presumption of entry into market.

From: Black, Jonathan (Tom Udall)
Sent: Friday, May 13, 2016 1:01 PM
To: Kaiser, Sven-Erik
Cc: Deveny, Adrian (Merkley)
Subject: RE: need something

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From: Kaiser, Sven-Erik [<mailto:Kaiser.Sven-Erik@epa.gov>]
Sent: Friday, May 13, 2016 12:52 PM
To: Black, Jonathan (Tom Udall) <Jonathan.Black@tomudall.senate.gov>
Subject: Re: need something

Close

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Almost done?

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/21/2016 7:05:14 PM
To: Freedhoff, Michal (Markey) [Michal_Freedhoff@markey.senate.gov]
CC: Distefano, Nichole [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=31d32a3a3a9e4591b5fd3eb96e8b78-Distefano,]
Subject: Re: 12 months for manufacturer-requested risk evaluations

Got it- will put in the queue. Is this just for you, i.e., not for the group getting technical and conforming comments.
Thanks,
Sven

On May 21, 2016, at 3:03 PM, Freedhoff, Michal (Markey) <Michal_Freedhoff@markey.senate.gov> wrote:

Because hope springs eternal. :-) can you pls take a look when you're done with other pending requests?
Thx
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Michal Ilana Freedhoff, Ph.D.
Director of Oversight and Investigations
Office of Senator Edward J. Markey (D-MA)

1) 6 months for notice and comment and decision-making– this is from S697 as passed

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“(B) DECISION BY ADMINISTRATOR.—Not later than 180 days after the date on which the Administrator receives a request under this subsection, the Administrator shall decide whether or not to grant the request.

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Page 44 starting on line 24

“(D) SCOPE.—The Administrator shall, not later than 6 months after the initiation of a risk evaluation, publish the scope of the risk evaluation to be conducted, including the hazards, exposures, conditions of use, and the potentially exposed or susceptible subpopulations the Administrator expects to consider, and, for each designation of a high-priority substance, ensure

not less than 12 months between the initiation of the prioritization process for the chemical substance and the publication of the scope of the risk evaluation for the chemical substance, and for risk evaluations conducted on chemical substances that have been-identified under paragraph (2)(A) or selected under subparagraph (E)(iv)(II) of this paragraph, ensure not less than 3 6 months before the Administrator publishes the scope of the risk evaluation.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/13/2016 12:04:45 AM
To: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
CC: Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]
Subject: Re: Emailing: TSCA Reform Views.Boxer

Jonathan,
Yes- it represents administration views and was cleared through an interagency process. Please let me know if any additional questions. Thanks,
Sven

On May 12, 2016, at 7:53 PM, Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov> wrote:

My understanding is that this was vetted through other agencies and they had opportunity to weigh in.
Can you confirm that Sven?

Interagency review occurred before this mccarthy letter was sent, correct?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message
From: Zipkin, Adam (Booker)
Sent: Thursday, May 12, 2016 7:42 PM
To: Black, Jonathan (Tom Udall)
Subject: Re: Emailing: TSCA Reform Views.Boxer

Thanks. But was this just EPA giving their opinion or did they consult with other agencies such as FDA as well.

Original Message
From: Black, Jonathan (Tom Udall)
Sent: Thursday, May 12, 2016 7:28 PM
To: Zipkin, Adam (Booker)
Subject: Fw: Emailing: TSCA Reform Views.Boxer

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message
From: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Sent: Wednesday, May 11, 2016 3:16 PM
To: Wallace, Andrew (Tom Udall)
Subject: Emailing: TSCA Reform Views.Boxer

Your message is ready to be sent with the following file or link attachments:

TSCA Reform Views.Boxer

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Message

From: Kaiser, Sven-Erik [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AC78D3704BA94EDBBD0DA970921271FF-SKAISER]
Sent: 5/13/2016 12:00:26 AM
To: Black, Jonathan (Tom Udall) [Jonathan_Black@tomudall.senate.gov]
CC: Zipkin, Adam (Booker) [Adam_Zipkin@booker.senate.gov]
Subject: Re: Emailing: TSCA Reform Views.Boxer

Jonathan,
Yes - they are administration views and were cleared through an interagency review process. Please let me know if any additional questions. Thanks,
Sven

On May 12, 2016, at 7:53 PM, Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov> wrote:

My understanding is that this was vetted through other agencies and they had opportunity to weigh in.

Can you confirm that Sven?

Interagency review occurred before this mccarthy letter was sent, correct?

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message
From: Zipkin, Adam (Booker)
Sent: Thursday, May 12, 2016 7:42 PM
To: Black, Jonathan (Tom Udall)
Subject: Re: Emailing: TSCA Reform Views.Boxer

Thanks. But was this just EPA giving their opinion or did they consult with other agencies such as FDA as well.

Original Message
From: Black, Jonathan (Tom Udall)
Sent: Thursday, May 12, 2016 7:28 PM
To: Zipkin, Adam (Booker)
Subject: Fw: Emailing: TSCA Reform Views.Boxer

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

Original Message
From: Black, Jonathan (Tom Udall) <Jonathan_Black@tomudall.senate.gov>
Sent: Wednesday, May 11, 2016 3:16 PM
To: Wallace, Andrew (Tom Udall)
Subject: Emailing: TSCA Reform Views.Boxer

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